REMARKS

Applicants have cancelled Claims 1, 2, 4, 6-8, 11, 12, 22, and 23. Although Applicants do not acquiesce to the Examiner's rejection of these claims, Applicants have cancelled the claims without prejudice to Applicant's right to prosecute these claims in the future. Claims 3, 5, 9, 10, 13-21, and 24-33 are non-elected and withdrawn from consideration as per the Response to the Restriction Requirement of October 9, 2003.

The Examiner requested that the specification of the application should include a "Brief Description of the Several Views of the Drawing(s)". Applicant has amended the specification to include said description. In preparing said description, Applicant noticed that several drawings were incorrectly labeled with the wrong figure number. Applicants submit that this was an unintentional typographic error. Applicants request that the figure numbers for the drawings be amended as indicated below.

Page 7/11: Please relabel this drawing as Fig. 6b. This drawing is currently labeled as Figure 7.

Page 8/11: Please relabel this drawing as Fig. 7. This drawing is currently labeled as Figure 8.

Page 9/11: Please relabel this drawing as Fig. 8. This drawing is currently labeled as Figure 9.

Page 10/11: Please relabel this drawing as Fig. 9. This drawing is currently labeled as Figure 10.

Page 11/11: Please relabel this drawing as Fig. 10. This drawing is currently labeled as Figure 11.

Claims 1, 2, 4, 6-8, 11, 12, 22, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Effland et al. of U.S. Patent No. 4,880,822. The Examiner asserts that the reference teaches that the compounds of Formula I are used as analgesic agents. The Examiner further asserts that since pain is associated with an injury, such as spinal cord injury, the skilled artisan would have been motivated to administer the compounds of Effland et al. to treat injuries of the spinal cord. Finally, the Examiner asserts that it would have been obvious to one having ordinary skill in the art to employ the well-known compounds of Effland et al. to treat spinal cord injuries especially since pain would be involved.

Claims 1, 2, 4, 6-8, 11, 12, 22, and 23 have been cancelled and new claims 34-57 have been added. No new matter has been added and support for the new claims can be found generally throughout the instant specification. Specifically, support for new claims 34-37 can be found on page 7, lines 25-26, page 11, lines 23-24, page 22, lines 9-11, page 23, lines 28-29, page 25, lines 10 and lines 12-15, and page 28, lines 29-32.

Support for new claims 38-41 can be found on page 7, lines 25-26, page 11, lines 23-24, page 22, lines 9-11, page 23, lines 28-29, page 25, lines 10 and lines 12-15, and page 28, lines 29-32.

Support for new claims 42-45 can be found on page 7, lines 25-26, page 11, lines 23-24, page 22, lines 9-11, and page 23, lines 28-29.

Support for new claims 46-49 can be found on page 7, lines 25-26, and page 25, lines 10 and lines 12-15, and page 28, lines 29-32.

Support for new claims 50-53 can be found on page 7, lines 25-26.

Support for new claims 54-57 can be found on page19, line 12.

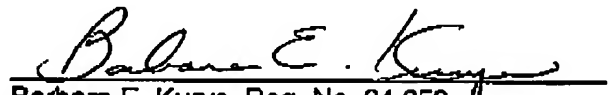
Applicants submit that the Examiner's rejection is now moot. The '822 patent neither teaches nor suggests the invention of new claims 34-57 to one of ordinary skill in the art.

Claims 1, 2, 4, 6-8, 11, 12, and 23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 53 of Effland et al. of U.S. Patent No. 4,880,822. The Examiner asserts that the reference teaches that the compounds of Formula I are used as analgesic agents. The Examiner further asserts that since pain is associated with an injury, such as spinal cord injury, the skilled artisan would have been motivated to administer the compounds of Effland et al. to treat injuries of the spinal cord. Finally, the examiner asserts that it would have been obvious to one having ordinary skill in the art to employ the well-known compounds of Effland et al. to treat spinal cord injuries especially since pain would be involved.

In view of the cancellation of claims 1, 2, 4, 6-8, 11, 12, 22, and 23, Applicants submit that the Examiner's rejection is now moot. The '822 patent neither teaches nor suggests the invention of new claims 34-57 to one of ordinary skill in the art.

In view of the above, Applicants submit that the rejection of claims 1, 2, 4, 6-8, 11, 12, 22, and 23 is now moot. Allowance of new claims 34-57 at an early date is solicited.

Respectfully submitted,



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